
SENATE BILL No. 99

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-19-3-6.

Synopsis: County option surcharges on state park fees. Allows a county containing a state forest, game preserve, park, recreation area, or reservoir to impose a 5% surcharge on fees collected within the forest, game preserve, park, recreation area, or reservoir. Requires that proceeds of the surcharge be used to assist a unit of local government that provides police protection, fire protection, emergency medical services, or road repairs to the park or other area. Provides that the surcharge may not be collected on property owned by the United States Army Corps of Engineers unless approved by the Army Corps of Engineers.

Effective: July 1, 2006.

Jackman, Nugent

January 9, 2006, read first time and referred to Committee on Rules and Legislative Procedure.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 99

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-7.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. "Annual pass", for
3 ~~the~~ purposes of **IC 14-8-2-87.8** and IC 14-19-3-5, has the meaning set
4 forth in IC 14-19-3-5(a).

5 SECTION 2. IC 14-8-2-87.8 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2006]: **Sec. 87.8. (a) "Fees", for purposes of IC 14-19-3-6, means**
8 **fees that are paid upon or after entering a state forest, game**
9 **preserve, park, recreation area, or reservoir.**

10 **(b) The term includes:**

- 11 **(1) entrance or admission fees;**
12 **(2) rental fees, including fees for campsites and shelters; and**
13 **(3) the fee for an annual pass or a Golden Hoosier Passport**
14 **purchased at a state forest, game preserve, park, recreation**
15 **area, or reservoir.**

16 **(c) The term does not include amounts paid for food, lodging, or**
17 **gift shop purchases at a state park inn or other facility operated by**



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1 **a contractual vendor.**

2 SECTION 3. IC 14-8-2-289, AS AMENDED BY P.L.82-2005,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2006]: Sec. 289. "Unit of local government", for purposes of
5 IC 14-12-1, **IC 14-19-3**, and IC 14-22-10, means a:

- 6 (1) county;
- 7 (2) city;
- 8 (3) town; or
- 9 (4) township;

10 located in Indiana.

11 SECTION 4. IC 14-19-3-6 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2006]: Sec. 6. (a) **This section applies to a county containing all**
14 **or part of a state forest, game preserve, park, recreation area, or**
15 **reservoir under the jurisdiction of the department.**

16 (b) **The fiscal body of a county described in subsection (a) may**
17 **adopt an ordinance to impose a surcharge on all fees collected by**
18 **the department within the state forest, game preserve, park,**
19 **recreation area, or reservoir.**

20 (c) **If a county fiscal body adopts an ordinance under this**
21 **section:**

- 22 (1) **the county fiscal body shall notify the director of the**
- 23 **department; and**
- 24 (2) **the department shall report the surcharge collected under**
- 25 **the ordinance on forms approved by the county treasurer.**

26 (d) **The rate of a surcharge imposed under this section is five**
27 **percent (5%) of the gross income derived from fees collected by the**
28 **department within the state forest, game preserve, park, recreation**
29 **area, or reservoir.**

30 (e) **The department shall begin collecting a surcharge not later**
31 **than sixty (60) days after the department receives notice from the**
32 **county fiscal body that the county fiscal body has adopted an**
33 **ordinance under this section. The department shall pay the**
34 **surcharge collected during a month to the county treasurer not**
35 **later than the last day of the following month.**

36 (f) **If a state forest, game preserve, park, recreation area, or**
37 **reservoir is located in two (2) or more counties, the following**
38 **apply:**

- 39 (1) **The total surcharge on fees collected by the department**
- 40 **within the state forest, game preserve, park, recreation area,**
- 41 **or reservoir is five percent (5%) of the gross income derived**
- 42 **from fees collected by the department in the state forest, game**

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1 preserve, park, recreation area, or reservoir.

2 (2) If only one (1) county adopts an ordinance under this
3 section, all the surcharge proceeds shall be distributed to that
4 county.

5 (3) If more than one (1) county adopts an ordinance under
6 this section, the department shall apportion the proceeds of
7 the surcharge among the adopting counties. The share of each
8 adopting county shall be based on the ratio of the area of the
9 state forest, game preserve, park, recreation area, or
10 reservoir contained within the adopting county, as determined
11 by the department, to the total area of the state forest, game
12 preserve, park, recreation area, or reservoir contained within
13 all adopting counties.

14 A county must adopt an ordinance under this section to receive
15 proceeds of the surcharge.

16 (g) The surcharge proceeds collected by the department and
17 paid to the county treasurer shall be used in accordance with the
18 ordinance adopted under this section to assist a unit of local
19 government that provides:

- 20 (1) police protection;
- 21 (2) fire protection;
- 22 (3) services of emergency medical technicians; or
- 23 (4) road repairs;

24 to the state forest, game preserve, park, recreation area, or
25 reservoir under the jurisdiction of the department.

26 (h) The surcharge allowed by this section applies only to gross
27 income derived from fees collected by the department within the
28 state forest, game preserve, park, recreation area, or reservoir and
29 is in addition to any applicable tax.

30 (i) If the department maintains and operates a state forest, game
31 preserve, park, recreation area, or reservoir under a lease
32 arrangement with the United States Army Corps of Engineers, the
33 department may not collect a surcharge on fees collected within the
34 state forest, game preserve, park, recreation area, or reservoir
35 under this section unless the collection of the surcharge has been
36 approved by the United States Army Corps of Engineers.

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